



APPLICATION # _____

ZONING BOARD OF APPEALS
TOWN OF AMHERST

APPLICATION

NAME OF APPLICANT

ATTORNEY/ENGINEER/CONSULTANT

ADDRESS OF APPLICANT

ADDRESS

TELEPHONE # OF APPLICANT

TELEPHONE #

TYPE OF APPLICATION

_____ **SPECIAL PERMIT**

_____ **APPEAL FROM DECISION OF
BUILDING COMMISSIONER**

_____ **VARIANCE**

_____ **COMPREHENSIVE PERMIT**

PURSUANT TO THE PROVISIONS OF CHAPTER 40A OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND THE AMHERST ZONING BYLAWS, APPLICATION IS HEREBY MADE TO THE AMHERST ZONING BOARD OF APPEALS TO DO THE FOLLOWING:

NATURE OF REQUEST: _____

PROPERTY LOCATION: _____

OWNER: _____

(Signature)

(Address)

ZONING DISTRICT: _____

MAP & PARCEL # _____

(Telephone #)

TO BE FILLED OUT BY AMHERST BUILDING COMMISSIONER

DATE RECEIVED

AMOUNT OF FEE

AMHERST BUILDING COMMISSIONER

_____ CERTIFIED LIST OF ABUTTERS

_____ EIGHT (8) SETS OF PLANS

TO BE FILLED OUT BY AMHERST TOWN CLERK

DATE FILED

FEE RECEIVED

AMHERST TOWN CLERK

AMHERST BOARD OF ASSESSORS

REQUEST FOR CERTIFIED LIST OF ABUTTERS

Note: THE ASSESSORS OFFICE REQUIRES 10 BUSINESS DAYS TO PREPARE AN ABUTTERS LIST. WE THEREFORE ADVISE YOU NOT TO SCHEDULE A HEARING UNTIL YOU HAVE THIS LIST.

Please Print

STREET ADDRESS	MAP	PARCEL
OWNER'S NAME	APPLICANT'S NAME	
STREET	STREET	
CITY ST	CITY	STATE ZIP
CONTACT PERSON & PHONE #		

Please circle type of permit or variance requested:

- A: Liquor License – Immediate abutters, also 500' from all borders for churches/hospitals/public & private schools.**
- B: Planning Board – Subdivision or Special Permit - 300'**
- C: Zoning: - Special Permit or Variance Appeals - 300'**
- D: Conservation: -Wetland Hearing - 300'**
- E: Planning - Site Plan Review 300'**

NOTE: THE ABUTTERS LIST IS ONLY OFFICIAL FOR A PERIOD OF 30 DAYS FROM THE DATE OF CERTIFICATION BY THE ASSESSOR. AFTER 30 DAYS, YOU WOULD NEED TO REAPPLY FOR A NEW LIST.

Fee Schedule:

Minimum Fee is \$25.00 - Maximum Fee is \$75.00

DEPOSIT OF \$25.00 DUE AT THE TIME OF REQUEST ANY ADDITIONAL CHARGE WILL BE DUE AT TIME OF PICKUP.

Deposit Received \$_____ Date Received _____

ASO002

Total Charge \$_____ Minus Deposit _____ Balance Due: _____ Pickup Date _____



TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS
(413) 256-4032
(413) 256-4040
(413) 256-4041 [Fax]
planning@amherstma.gov

ZBA Special Permit Process: The following is general information to facilitate the process. **Every application is unique and will have individual requirements.**

Every applicant for a Special Permit, Variance, or Appeal from the Decision of the Building Commissioner shall contain all of the items listed below at the time of filing.

❖ Application

The application is provided by the Planning Department. It is best to review the requirements with the Zoning staff before you begin your application.

❖ Site Plan, Floor Plan, Parking Plan

The plans must be to scale and should include dimensions. A chart indicating lot size, dimensional requirements, coverage, existing conditions, and proposed conditions should be included.

❖ Management Plan

See attached Management Plan guidelines.

❖ Certified List of Abutters

It will take up to 10 working days and a filing fee to get the Certified List of Abutters from Central Services on the first floor of the Town Hall. This list is generated by the Assessor's Office and is used by the Zoning staff to notify abutters of your hearing date and the result of your public hearing. This list must be filed with the completed application packet within one month of the date it is generated or it will expire.

❖ Fee

See attached Application Fee Schedule.

Town of Amherst Zoning Board of Appeals
MANAGEMENT PLAN GUIDELINES



The Rules and Regulations of the Zoning Board of Appeals require that applicants submit a management plan as part of the application process. Please include the address of project, and the owner (and applicant, if different) name, address, and phone number.

Your management plan should include information about at least the following, depending on the type of your request. Management plans are usually about 1-2 pages long:

1. RESTAURANT

Type of menu

Number of seats

Number of employees

Hours of operation

Alcohol and live entertainment

Landscape maintenance

Noise management of patrons and music

Odors generated

Parking plan

Seasonal outdoor dining – on public or private land?

Trash disposal and recycling

Waste kitchen oil management

Take-out service litter control

Delivery service

Deliveries to the site

Signs and lighting

Snow removal

*** Applicant must contact Inspections Services, Board of Health (and, if necessary, Design Review Board) ***

2. HOME OCCUPATIONS

Type of business

Number of Employees

Hours of operation

Parking

Deliveries to the site

Equipment used/ Noise generated

Trash disposal and recycling

Material and equipment storage

Signage

Lighting

Landscape maintenance

Snow removal

3. APARTMENTS

Number of units, existing and proposed

Number of bedrooms, existing and proposed

Number of tenants

Owner-occupied?

Copy of standard lease

Noise management of tenants, parties, and music

Parking

Trash disposal and recycling

Material and equipment storage

Ongoing lawn and landscape maintenance

Maintenance and replacement schedules for site furnishings

Snow removal

Lighting

On-site recreational facilities

4. RENEWAL

Special permit #

Date of issuance

Any changes to the proposal

Any changes to the neighborhood

5. OTHER

Information as requested

From the Amherst Zoning Bylaw
SPECIAL PERMIT FINDINGS

10.38 Specific Findings Required

The Special Permit Granting Authority may grant a Special Permit authorized by this Bylaw if said Authority finds, when applicable, that:

- 10.380 The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority.
- 10.381 The proposal is compatible with existing Uses and other Uses permitted by right in the same District.
- 10.382 The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features.
- 10.383 The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.
- 10.384 Adequate and appropriate facilities would be provided for the proper operation of the proposed use.
- 10.385 The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features.
- 10.386 The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.
- 10.387 The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.
- 10.388 The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.
- 10.389 The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.

- 10.390 The proposal ensures protection from flood hazards as stated in Section 3.228, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow; storage of chemicals and other hazardous substances.
- 10.391 The proposal protects, to the extent feasible, unique or important natural, historic or scenic features.
- 10.392 The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.
- 10.393 The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaries, light shields, lowered height of light poles, screening, or similar solutions.
- 10.394 The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands.
- 10.395 The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. Within the B-L, B-VC, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Special Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.
- 10.396 The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.
- 10.397 The proposal provides adequate recreational facilities, open space and amenities for the proposed use.
- 10.398 The proposal is in harmony with the general purpose and intent of this Bylaw.

ATTENTION!



HOMEOWNERS, BUILDERS, CONTRACTORS, LANDSCAPERS & ARCHITECTS

Do NOT cut down, remove, or alter any existing TREE, SHRUB, or STONE WALL near a street until you have confirmed that they are *entirely* on private property!

Under the Shade Tree Act (MGL Ch. 87) and the Scenic Roads Act (MGL Ch. 40, Sec 15C) existing TREES, SHRUBS & STONE WALLS in Amherst are protected in the following areas:



On private property if the tree trunk, shrub, or stone wall touches or extends into the public way (the public property that includes the street, sidewalks, and utility corridors); or



In the public way, including in front of any private property being prepared/cleared for driveways, construction, connection to utilities, etc.

Violations of these laws can involve FINES up to **\$500**, *PLUS* the cost of replacing all trees, shrubs, and walls. Don't take the chance! Ask first.

FOR PROPERTY LINE INFO:

Jason Skeels, Town Engineer
Public Works Dept.
586 South Pleasant Street
Amherst, MA 01002
(413) 256-4050
skeelsj@amherstma.gov

FOR PUBLIC SHADE TREE INFO:

Stan Ziomek, Tree Warden
c/o Conservation Dept.
Town Hall, 4 Boltwood Ave.
Amherst, MA 01002
(413) 256-4045
conservation@amherstma.gov

FOR SCENIC ROADS INFO:

Amherst Planning Dept.
Town Hall, 4 Boltwood Ave.
Amherst, MA 01002
(413) 256-4040
planning@amherstma.gov



APPLICATION FEES

Fees accompanying applications to the Board of Appeals shall conform to the schedule below.

FEES:

High Impact Uses - \$300 + \$50/dwelling unit

PURDs

Residential uses with more than 6 units – e.g., Town Houses, Apartments, Subdividable/Converted Dwellings, Hotel or Motels, Inns, Hostel, Congregate housing for the elderly and disabled, fraternities/sororities

Institutional Uses – e.g., Medical or residential institutions, cemetery, private lodge or club)

Government and Public Service Uses

Research and Industrial Uses

Moderate Impact Uses - \$150 + \$50/dwelling unit

Residential uses with 6 or fewer total units – e.g., Town Houses, Apartments, Subdividable/Converted Dwellings, Hotel or Motels, Inns, Hostel, Two-family detached

Dwelling units in combination with stores or other permitted business or commercial uses

Lodgers/Boarders/Roomers/Bed and Breakfast

Supplemental apartments

Retail, Business and Consumer Service Uses

Motor Vehicle Related Uses

Extensive Uses

Flag lots

Variances

Appeals from a decision of the Building Commissioner

Low Impact Uses - \$110

Amendments or modifications to existing permits

All other applications – e.g., accessory uses other than supplemental apartments, fences, signs

Comprehensive Permits & Affordable Housing Projects*

Limited Dividend Organizations - \$9 per unit

Non-Profit Organizations - \$3 per unit

Public Agencies and Local - \$0

Local Initiative pursuant to 760 CMR 45.00 - \$0

**Projects including 10% or more affordable units as defined under Section 12.20, Amherst Zoning Bylaw.*